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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on July 17, 2002.

~~Peter J. Borghetti
Reg. No. 42,345~~

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James H. Levine Confirmation No.: 2728
Application Serial Number: 10/092,907 Group Art Unit: 3764
Filed: March 6, 2002
For: VARIABLE RADIUS FLEXIBILITY APPARATUS

PERKINS, SMITH & COHEN, LLP
One Beacon Street
Boston, MA 02108
(617) 854-4000

To: Commissioner for Patents
Washington D.C. 20231-0001

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JUL 26 2002

Dear Sir:

Originally-named joint inventors James H. Levine and Joop F. Hoekstra hereby request the Commissioner to correct inventorship in the above-mentioned application from James H. Levine and Joop F. Hoekstra as joint inventors to James H. Levine as a sole inventor. The error in inventorship occurred without deceptive intent.

REMARKS

In order to support the change of inventorship from originally-named joint inventors James H. Levine and Joop F. Hoekstra to sole inventor James H. Levine, the following material is presented in accordance with 37 C.F.R 1.48(a):

(1) A new declaration by James H. Levine on his own behalf as sole inventor; and

(2) A joint statement by Joop F. Hoekstra, and James H. Levine, as an individual and also as Chief Executive Officer of the assignee (FitnessLab, Inc.), acknowledging Mr. Levine as the sole inventor and requesting that Mr. Hoekstra's name be deleted as a joint inventor. In such statement the signatures further state that the error in inventorship description occurred without deceptive intention by any of the signatures. The assignee consents to the correction in inventorship description.

Based upon the above evidence, the originally-named inventors and assignee believe James H. Levine is entitled to be named sole inventor, pursuant to 37 C.F.R. 1.48(a), and granting of this petition is respectfully requested.

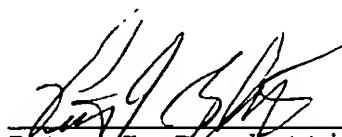
The required fee of \$130 under 1.17(i) is enclosed.

In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that a call may be deemed desirable by the Examiner:

Peter J. Borghetti (617) 854-4000

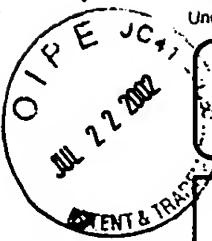
Dated: July 17, 2002

Respectfully submitted on behalf of APPLICANT,

By: 

~~Peter J. Borghetti
Reg. No. 42,345
Attorney for Applicant~~

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or
 Application No.10/092,907, filed on March 6, 2002
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

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FULL NAME OF INVENTOR(S)

Inventor one: James H. Levine

Date: 6/25/02

Signature: James H. Levine

Citizen of: United States

Inventor two: _____

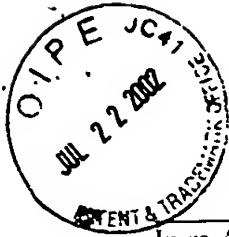
Date: _____

Signature: _____

Citizen of: _____

Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James H. Levine
Serial Number: 10/092,907
Filed: March 6, 2002
For: VARIABLE RADIUS FLEXIBILITY APPARATUS
Our file: 06523-101

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**STATEMENT BY PARTIES ACKNOWLEDGING AND
CONSENTING TO INVENTORSHIP CORRECTION**

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

We, Joop F. Hoekstra, incorrectly named joint inventor and joint applicant, and James H. Levine, sole inventor, applicant, and Chief Executive Officer of FitnessLab, LLC., assignee (see attached assignment documents) for the above-mentioned U.S. patent application state that:

(1) We acknowledge and consent to James H. Levine being the sole inventor and applicant of the above-mentioned U.S. patent application,

(2) We consent to Joop F. Hoekstra being removed as a joint inventor and joint applicant of the above-mentioned U.S. patent application,

(3) that such incorrect naming of inventors in the above-mentioned U.S. patent application was made without deceptive intent by the parties, and

(4) FitnessLab, LLC, an LLC of Massachusetts assignee of the above-mentioned U.S. patent application, joins the foregoing statement.

July 8, 2002

Date

Joop F. Hoekstra

Date

6/25/02

James H. Levine, individually and as
Chief Executive Officer, FitnessLab, Inc.